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Appl. No. 10/042,726
Amdt. Dated Oct. 27, 2003
Reply to Office Action of July 25, 2003

REMARKS/ARGUMENTS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments and the following remarks.

The Examiner objected to the drawings for the reasons set forth in the Form PTO 948 accompanying the July 25, 2003 Office Action. A replacement drawing sheet, including FIG. 1-3, in which drawing margins have been corrected and descriptive material has been removed is attached as Attachment A.

The Examiner objected to the format and content of the Abstract. A replacement Abstract which Applicants believe is in proper form and includes proper content is attached as Attachment B.

The Examiner objected to specification as not including section headings. The specification has been amended herein to include the appropriate headings.

Claims 1-3 have been rejected under 35 U.S.C. 112 as being

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indefinite.

Claims 1-3 have been rejected under 35 U.S.C. 102(d) as being barred by Applicants' German Patent application DE 100 60 165 A1.

Claims 1-3 have been rejected under 35 U.S.C. 102(a) as being unpatentable over any one of U.S. Patent Nos. 3,028,776 to Keller et al., 3,199,335 to Holmes et al. and 3,094,702 to Ustin et al. in view of Official notice. Keller et al., Holmes et al. and Ustin et al. were each said to disclose crimping pliers substantially as claimed, wherein none of the cited references disclose the use of a scale. The Examiner took Official notice that it is well known to use a scale to facilitate quick and precise setting of a crimping tool. Essentially it was the Examiner's position that it would have been obvious to provide the crimping tools of Keller et al., Holmes et al. or Ustin et al. with a scale to facilitate quick and precise setting of the crimping tool dies so that different size articles may be crimped.

The rejections are respectfully traversed.

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Claims 1-3 have been canceled without prejudice. New claims 4-6 have been added.

New claims 4-6 have been rewritten to conform to current U.S. practice and to more clearly defined the invention. Accordingly, Applicants believe new claims 4-6 overcome the rejections under 35 U.S.C. 112.

With regard to the rejection of claims 1-3 under 35 U.S.C. 102(d), Applicants note that although the cited reference, Applicants' German Patent Application DE 100 60 165 A1, was published or laid open on June 20, 2002, Applicants do not believe that this application has yet issued as a patent. As the cited German Application has not issued as a patent before the June 27, 2002 filing date of the present application, Applicants submit that DE 100 60 165 A1 is not a bar under 35 U.S.C. 102(d).

Applicants note that the crimping devices disclosed in Keller et al., Holmes et al. or Ustin et al. lack the precise adjusting and setting device as recited in claim 4 of the present application. In particular none of the cited references disclose

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an adjusting and setting device comprising a threaded bush, a threaded spindle, a setting wheel and fine and rough adjustment scales as in claim 4 of the present application. Additionally, the cited references do not suggest or disclose the use of rough and fine adjusting scales in combination as claimed in the present application.

Applicants further submit that the setting devices for crimping pliers which are found in the present state of the art typically comprise fixed stop type setting devices. Although such devices may have provided sufficient setting accuracy in the past, such devices do not meet current demands for highly precise crimping accuracy which is required for example in the modern electronics industry. In this regard, Applicants note that the adjusting ring setting mechanism 39 of Keller et al. permits a minimum adjustment of the crimping punches of 0.0026 inches (0.06 mm) (Keller et al., col. 5, lines 54-63). This is in contrast with the precise adjusting and setting device as recited in claim 5 of the present application which permits adjustments of the crimping punches with an accuracy of greater than 0.01 mm.

The cited references, Keller et al., Holmes et al. and Ustin

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et al. have filing dates ranging from 1959 to 1962. Applicants respectfully submit that the over forty year period of time which has elapsed since the disclosure of these references and the creation of a crimping pliers having the precise adjusting and setting device as claimed in the present application evidences the non-obviousness of the claims.

For the foregoing reasons, Applicants believe that the remaining claims are written to overcome the rejections of the Examiner. Accordingly, Applicants respectfully request early allowance of the remaining claims.

Respectfully submitted,



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Attachments A - Replacement Drawing Sheet (Fig 1,2,3)
B - Abstract

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I hereby certify that this correspondence is being sent by facsimile transmission to the U.S.P.T.O. to Patent Examiner J. Goetz Group No. 3725, to 703 872 9302 on October 27, 2003.


Allison C. Collard

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ATTACHMENT "B"

ABSTRACT

A crimping pliers has a movable plier leg coupled to a fixed plier leg and a curved body in a head part of the pliers. Movable crimping punches are located in a pivoting plunger which is enclosed in the curved body. An adjusting and setting device having a threaded bush, a threaded spindle, a setting wheel, a fine scale and a rough scale is located on the fixed plier leg. The adjusting and setting device pivots the curved body allowing precise adjustment of the crimping punches via control cams in the curved body.

Abstracted by William et al - 11/28/99 - sent up